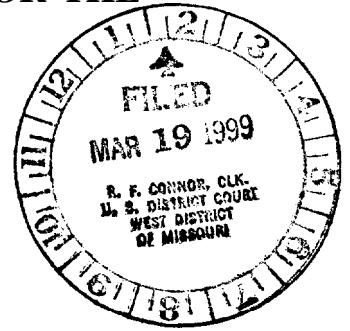


**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**



B. JEAN WEBB,

Plaintiff,

vs.

CITY OF REPUBLIC, MISSOURI,

Defendant. )

No. 98-3306-CV-S-RGC

**ORDER**


**On** February 16, 1999, defendant City of Republic, Missouri, (“the City”) filed a Motion to dismiss for Lack of Subject Matter **Jurisdiction**, pursuant to Rule 12(b)( 1) of the Federal Rules of Civil Procedure. The City contends that because the plaintiff, B. Jean Webb (“Webb”) has moved from Republic to Springfield, Missouri, her action against the City is now moot. Webb originally brought her claim against the City because it incorporated a Christian symbol on its city seal. Webb alleges that this symbol violates the Establishment Clause of the First Amendment of the United States Constitution.

The City maintains that the Court should dismiss Webb’s complaint because of her change in residence. On February 23, 1999, Webb filed her response to the City’s motion. Webb asserts that she continues to be harmed by the presence of the **fish** symbol because the harassment created by the controversy precipitated her move to Springfield. Furthermore, Webb states that the continued presence of the fish symbol prevents her from returning to Republic in order to visit her friends and to practice her religion with her sister Wiccans.

The City cites several cases to support its argument that Webb's claim is moot. However, all involve a plaintiff who has ***moved out of state*** or a high school student who has graduated and is, therefore, no longer affected by the harmful action. All of the cases are distinguishable from the case at bar. In the present instance, Webb has moved to a nearby community. Only a drive of approximately fifteen to twenty minutes separates Republic and Springfield. Both cities are in the same county. Webb continues to be involved with her **friends** and religion in Republic. She states she would move back to Republic if City removed the Christian symbol from its seal.

The Court does not agree with the City that Webb's change of residence renders this case moot. Accordingly, it is

ORDERED that Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction is denied.

  
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RUSSELL G. CLARK, SENIOR JUDGE  
UNITED STATES DISTRICT COURT

Date: March 19, 1999